

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2007-1247-PWS-E **TCEQ ID:** RN101236990 **CASE NO.:** 34333
RESPONDENT NAME: Happy Hill Farm Children's Home, Inc.

Page 1 of 3

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Happy Hill Farm, 3846 North Highway 144, Somervell County</p> <p>TYPE OF OPERATION: Public water supply</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on April 7, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST:</p> <p style="margin-left: 20px;">TCEQ Attorney/SEP Coordinator: None</p> <p style="margin-left: 20px;">TCEQ Enforcement Coordinator: Mr. Tel Croston, Enforcement Division, Enforcement Team 2, MC 169, (512) 239-5717; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171</p> <p style="margin-left: 20px;">Respondent: Mr. Todd Shipman, President/CFO, Happy Hill Farm Children's Home, Inc., 3846 North Highway 144, Granbury, Texas 76048</p> <p style="margin-left: 20px;">Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: June 25, 2007</p> <p>Date of NOV/NOE Relating to this Case: July 2, 2007 (NOE)</p> <p>Background Facts: This was a routine record review.</p> <p>WATER</p> <p>1) Failed to keep on file and make available for Commission review all water system operating records [30 TEX. ADMIN. CODE § 290.46(f)(3)(A) and § 290.46(f)(3)(E)(iv)].</p> <p>2) Failed to provide a sanitary control easement that covers land within 150 feet of Well Nos. 1, 2 and 3 [30 TEX. ADMIN. CODE § 290.41(c)(1)(F)].</p> <p>3) Failed to provide an all-weather access road to the well site [30 TEX. ADMIN. CODE § 290.41(c)(3)(P)].</p> <p>4) Failed to provide flow measuring devices to measure production yields and provide for the accumulation of water production data [30 TEX. ADMIN. CODE § 290.41(c)(3)(N)].</p> <p>5) Failed to provide a liquid level indicator on the ground storage tank [30 TEX. ADMIN. CODE § 290.43(c)(4)].</p> <p>6) Failed to plug and seal an abandoned public water supply well or to return the well to a non-deteriorated condition. Specifically, at the time of the investigation it was documented that an abandoned well was next to Well No. 3 [30 TEX. ADMIN. CODE § 290.46(u)].</p>	<p>Total Assessed: \$1,520</p> <p>Total Deferred: \$304 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$1,216</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Immediately upon the effective date of this Agreed Order:</p> <p>i. Begin operating the water system's chlorination facilities to maintain a free chlorine residual of at least 0.2 mg/L throughout the distribution system; and</p> <p>ii. Develop and maintain an up-to-date chemical and microbiological monitoring plan.</p> <p>b. Within 20 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions a.i. and a.ii.</p> <p>c. Within 30 days after the effective date of this Agreed Order, begin compiling and maintaining properly completed monthly water works reports and maintenance records.</p> <p>d. Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision c.</p> <p>e. Within 60 days after the effective date of this Agreed Order:</p> <p>i. Provide the 27,000 gallon ground storage tank with an operable water level indicator; and</p> <p>ii. Provide an operable flow measuring device on the well discharge line for each well.</p> <p>f. Within 75 days after the effective date of this Agreed Order, submit written certification and include supporting documentation including photographs, receipts, and/or other records to</p>

<p>7) Failed to operate the disinfection equipment to maintain a free chlorine residual of at least 0.2 milligrams per liter ("mg/L") throughout the distribution system at all times [30 TEX. ADMIN. CODE § 290.46(d)(2)(A) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].</p> <p>8) Failed to maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the public water system will use to comply with the monitoring requirements [30 TEX. ADMIN. CODE § 290.121(a) and (b)].</p>		<p>demonstrate compliance with Ordering Provision e.</p> <p>g. Within 90 days after the effective date of this Agreed Order:</p> <p>i. Obtain a sanitary control easement that covers the land within 150 feet of Well Nos. 1, 2, and 3;</p> <p>ii. Plug the abandoned well adjacent to Well No. 3 with cement; and</p> <p>iii. Provide an all weather access road to Well No. 2.</p> <p>h. Within 105 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision g.</p>
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Additional ID No(s): 2130009



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 26, 2007

TCEQ

DATES	Assigned	2-Jul-2007	Screening	27-Jul-2007	EPA Due	
	PCW	27-Jul-2007				

RESPONDENT/FACILITY INFORMATION

Respondent	Happy Hill Farm Children's Home, Inc.		
Reg. Ent. Ref. No.	RN101236990		
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	34333	No. of Violations	8
Docket No.	2007-1247-PWS-E	Order Type	1660
Media Program(s)	Public Water Supply	Enf. Coordinator	Tel Croston
Multi-Media		EC's Team	Enforcement Team 2
Admin. Penalty \$	Limit Minimum	\$50	Maximum
			\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1 **\$1,200**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 10% Enhancement Subtotals 2, 3, & 7 **\$120**

Notes: The Respondent was issued two NOV's for the same or similar violations in the past five years.

Culpability No 0% Enhancement Subtotal 4 **\$0**

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply 0% Reduction Subtotal 5 **\$0**

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes: The Respondent does not meet the good faith criteria.

Total EB Amounts \$712 0% Enhancement* Subtotal 6 **\$0**
Approx. Cost of Compliance \$8,850 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 Final Subtotal **\$1,320**

OTHER FACTORS AS JUSTICE MAY REQUIRE 15% Adjustment **\$200**

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes: Enhancement recommended for the recovery of avoided compliance cost.

Final Penalty Amount **\$1,520**

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty **\$1,520**

DEFERRAL 20% Reduction Adjustment **-\$304**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY **\$1,216**

Screening Date 27-Jul-2007

Docket No. 2007-1247-PWS-E

PCW

Respondent Happy Hill Farm Children's Home, Inc.

Policy Revision 2 (September 2002)

Case ID No. 34333

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN101236990

Media [Statute] Public Water Supply

Enf. Coordinator Tel Croston

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	2	10%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 10%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

The Respondent was issued two NOVs for the same or similar violations in the past five years.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 10%

Screening Date 27-Jul-2007		Docket No. 2007-1247-PWS-E		PCW		
Respondent Happy Hill Farm Children's Home, Inc.				Policy Revision 2 (September 2002)		
Case ID No. 34333				PCW Revision June 26, 2007		
Reg. Ent. Reference No. RN101236990						
Media [Statute] Public Water Supply						
Enf. Coordinator Tel Croston						
Violation Number <input type="text" value="1"/>						
Rule Cite(s)		<input type="text" value="30 Tex. Admin. Code § 290.46(f)(3)(A) and 290.46(f)(3)(E)(iv)"/>				
Violation Description		<input type="text" value="Failed to keep on file and make available for Commission review all water system operating records. Specifically, at the time of the record review, no records of the dead end mains being flushed or the Monthly Operating Reports and any supporting documentation were available."/>				
		Base Penalty		<input type="text" value="\$1,000"/>		
>> Environmental, Property and Human Health Matrix						
OR	Harm					
	Release	Major	Moderate	Minor		
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>		
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>		
				Percent	<input type="text" value="0%"/>	
>> Programmatic Matrix						
Falsification		Major	Moderate	Minor		
<input type="text"/>		<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>		
				Percent	<input type="text" value="10%"/>	
Matrix Notes		<input type="text" value="Failed to comply with 100% of the rule requirement."/>				
				Adjustment	<input type="text" value="\$900"/>	
				<input type="text" value="\$100"/>		
Violation Events						
Number of Violation Events		<input type="text" value="1"/>	<input type="text" value="32"/>		Number of violation days	
mark only one with an x	daily	<input type="text"/>				
	monthly	<input type="text"/>				
	quarterly	<input type="text"/>				
	semiannual	<input type="text"/>				
	annual	<input type="text"/>				
	single event	<input type="text" value="x"/>				
				Violation Base Penalty	<input type="text" value="\$100"/>	
		<input type="text" value="One single event is recommended."/>				
Economic Benefit (EB) for this violation			Statutory Limit Test			
Estimated EB Amount		<input type="text" value="\$2"/>	Violation Final Penalty Total		<input type="text" value="\$127"/>	
This violation Final Assessed Penalty (adjusted for limits)				<input type="text" value="\$127"/>		

Economic Benefit Worksheet**Respondent** Happy Hill Farm Children's Home, Inc.**Case ID No.** 34333**Reg. Ent. Reference No.** RN101236990**Media** Public Water Supply**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$50	25-Jun-2007	28-Feb-2008	0.7	\$2	n/a	\$2
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to maintain system operating records, calculated from the date of the record review to the estimated date of compliance.

Avoided Costs**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs**Approx. Cost of Compliance**

\$50

TOTAL

\$2

Screening Date 27-Jul-2007

Docket No. 2007-1247-PWS-E

PCW

Respondent Happy Hill Farm Children's Home, Inc.

Policy Revision 2 (September 2002)

Case ID No. 34333

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN101236990

Media [Statute] Public Water Supply

Enf. Coordinator Tel Croston

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code § 290.41(c)(1)(F)

Violation Description

Failed to provide a sanitary control easement that covers land within 150 feet of wells. Specifically, at the time of the record review, there were no easements for Well Nos. 1, 2 and 3.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			x

Percent 5%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Without a sanitary control easement, contaminants could enter the well and customers of the water supply could be exposed to insignificant amounts of contaminants that do not exceed levels protective of human health.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 3

32 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$150

Three single events are recommended (one for each well).

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$18

Violation Final Penalty Total \$190

This violation Final Assessed Penalty (adjusted for limits) \$190

Economic Benefit Worksheet**Respondent** Happy Hill Farm Children's Home, Inc.**Case ID No.** 34333**Reg. Ent. Reference No.** RN101236990**Media** Public Water Supply**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$300	25-Jun-2007	28-Apr-2008	0.8	\$1	\$17	\$18
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the amount to obtain a sanitary control easement, calculated from the date of the record review to the estimated date of compliance.

Avoided Costs**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs**Approx. Cost of Compliance**

\$300

TOTAL

\$18

Screening Date 27-Jul-2007

Docket No. 2007-1247-PWS-E

PCW

Respondent Happy Hill Farm Children's Home, Inc.

Policy Revision 2 (September 2002)

Case ID No. 34333

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN101236990

Media [Statute] Public Water Supply

Enf. Coordinator Tel Croston

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code § 290.41(c)(3)(P)

Violation Description

Failed to provide an all-weather access road to well site. Specifically, at the time of the record review, the road to Well No. 2 was unusable.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			x

Percent 5%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to provide an all-weather access road may make it difficult for the operator to access the well to maintain or operate a water supply during heavy or sustained rainfall events or emergency situations.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 1

32 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$50

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$71

Violation Final Penalty Total \$63

This violation Final Assessed Penalty (adjusted for limits) \$63

Economic Benefit Worksheet**Respondent** Happy Hill Farm Children's Home, Inc.**Case ID No.** 34333**Reg. Ent. Reference No.** RN101236990**Media** Public Water Supply**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$1,200	25-Jun-2007	28-Apr-2008	0.8	\$3	\$68	\$71
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to upgrade the access road to the well site, calculated from the date of the record review to the estimated date of compliance.

Avoided Costs**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs**Approx. Cost of Compliance**

\$1,200

TOTAL

\$71

Screening Date 27-Jul-2007

Docket No. 2007-1247-PWS-E

PCW

Respondent Happy Hill Farm Children's Home, Inc.

Policy Revision 2 (September 2002)

Case ID No. 34333

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN101236990

Media [Statute] Public Water Supply

Enf. Coordinator Tel Croston

Violation Number 4

Rule Cite(s)

30 Tex. Admin. Code § 290.41(c)(3)(N)

Violation Description

Failed to provide flow measuring devices to measure production yields and provide for the accumulation of water production data. Specifically, at the time of the record review, it was documented that none of the wells were equipped with flow meters.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

	Harm		
Release	Major	Moderate	Minor
Actual			
Potential			x

Percent 5%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to have an operational flow measuring device prevents the system from obtaining accurate well production data and may result in the system not being able to provide a sufficient water supply.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 3

32 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$150

Three single events are recommended (one for each well).

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$53

Violation Final Penalty Total \$190

This violation Final Assessed Penalty (adjusted for limits) \$190

Economic Benefit Worksheet

Respondent Happy Hill Farm Children's Home, Inc.
Case ID No. 34333
Reg. Ent. Reference No. RN101236990
Media Public Water Supply
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment	\$1,000	25-Jun-2007	28-Mar-2008	0.8	\$3	\$51	\$53
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to provide flow meters for the wells, calculated from the date of the record review to the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$53

Screening Date 27-Jul-2007

Docket No. 2007-1247-PWS-E

PCW

Respondent Happy Hill Farm Children's Home, Inc.

Policy Revision 2 (September 2002)

Case ID No. 34333

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN101236990

Media [Statute] Public Water Supply

Enf. Coordinator Tel Croston

Violation Number 5

Rule Cite(s)

30 Tex. Admin. Code § 290.43(c)(4)

Violation Description

Failed to provide a liquid level indicator on the ground storage tank. Specifically, at the time of the record review, it was documented that the water level indicator on the 27,000 gallon ground storage tank was inoperable.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			x

Percent 5%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Without a proper water level indicator on the ground storage tank, the water system will be unable to compile the necessary water usage data and the system's ability to provide a safe and adequate water supply could be compromised.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 1

32 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$50

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$53

Violation Final Penalty Total \$63

This violation Final Assessed Penalty (adjusted for limits) \$63

Economic Benefit Worksheet**Respondent** Happy Hill Farm Children's Home, Inc.**Case ID No.** 34333**Reg. Ent. Reference No.** RN101236990**Media** Public Water Supply**Violation No.** 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment	\$1,000	25-Jun-2007	28-Mar-2008	0.8	\$3	\$51	\$53
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the amount to repair or replace the water level indicator for the ground storage tank, calculated from the date of the record review to the estimated date of compliance.

Avoided Costs**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs**Approx. Cost of Compliance****\$1,000****TOTAL****\$53**

Screening Date 27-Jul-2007

Docket No. 2007-1247-PWS-E

PCW

Respondent Happy Hill Farm Children's Home, Inc.

Policy Revision 2 (September 2002)

Case ID No. 34333

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN101236990

Media [Statute] Public Water Supply

Enf. Coordinator Tel Croston

Violation Number 6

Rule Cite(s)

30 Tex. Admin. Code § 290.46(u)

Violation Description

Failed to plug and seal an abandoned public water supply well or to return the well to a non-deteriorated condition. Specifically, at the time of the record review, it was documented that an abandoned well was adjacent to Well No. 3.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to plug an abandoned public water supply well could result in contaminants entering the well and customers of the water supply could be exposed to contaminants that would exceed levels protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 2

32

Number of violation days

mark only one with an x	daily	
	monthly	x
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$500

Two monthly events are recommended from the date of the record review, June 25, 2007 to the date of screening, July 27, 2007.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$297

Violation Final Penalty Total \$633

This violation Final Assessed Penalty (adjusted for limits) \$633

Economic Benefit Worksheet**Respondent** Happy Hill Farm Children's Home, Inc.**Case ID No.** 34333**Reg. Ent. Reference No.** RN101236990**Media** Public Water Supply**Violation No.** 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$5,000	25-Jun-2007	30-Apr-2008	0.8	\$14	\$283	\$297
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to plug an abandoned well or return it to a non-deteriorated condition, calculated from the date of the record review to the estimated date of compliance.

Avoided Costs**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs**Approx. Cost of Compliance**

\$5,000

TOTAL

\$297

Screening Date 27-Jul-2007

Docket No. 2007-1247-PWS-E

PCW

Respondent Happy Hill Farm Children's Home, Inc.

Policy Revision 2 (September 2002)

Case ID No. 34333

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN101236990

Media [Statute] Public Water Supply

Enf. Coordinator Tel Croston

Violation Number 7

Rule Cite(s) 30 Tex. Admin. Code § 290.46(d)2)(A) and Tex. Health & Safety Code § 341.0315(c)

Violation Description

Failed to operate the disinfection equipment to maintain a free chlorine residual of at least 0.2 milligrams per liter (mg/L) throughout the distribution system at all times. Specifically, at the time of the record review, the chlorine residual was measured at 0.07mg/L.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

If the water supply does not maintain proper levels of disinfection, customers of the water supply could be exposed to significant amounts of contaminants which would not exceed levels that are protective of human health.

Adjustment \$900

\$100

Violation Events

1

32

Number of violation days

mark only one
with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$100

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$215

Violation Final Penalty Total \$127

This violation Final Assessed Penalty (adjusted for limits) \$127

Economic Benefit Worksheet**Respondent** Happy Hill Farm Children's Home, Inc.**Case ID No.** 34333**Reg. Ent. Reference No.** RN101236990**Media** Public Water Supply**Violation No.** 7

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs**Avoided Costs****ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)	\$200	25-Jun-2007	30-Jan-2008	1.5	\$15	\$200	\$215

Notes for AVOIDED costs

The avoided cost includes the amount to operate the disinfection equipment to maintain a free chlorine residual of at least 0.2 mg/L throughout the distribution system, calculated from the date of the record review to the estimated date of compliance.

Approx. Cost of Compliance

\$200

TOTAL

\$215

Screening Date 27-Jul-2007

Docket No. 2007-1247-PWS-E

PCW

Respondent Happy Hill Farm Children's Home, Inc.

Policy Revision 2 (September 2002)

Case ID No. 34333

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN101236990

Media [Statute] Public Water Supply

Enf. Coordinator Tel Croston

Violation Number 8

Rule Cite(s)

30 Tex. Admin. Code § 290.121(a) and (b)

Violation Description

Failed to maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the public water system will use to comply with the monitoring requirements. Specifically, at the time of the record review, no monitoring plan was provided.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes

Failed to comply with 100% of the rule requirement.

Adjustment \$900

\$100

Violation Events

1

32

Number of violation days

mark only one
with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$100

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$3

Violation Final Penalty Total \$127

This violation Final Assessed Penalty (adjusted for limits) \$127

Economic Benefit Worksheet**Respondent** Happy Hill Farm Children's Home, Inc.**Case ID No.** 34333**Reg. Ent. Reference No.** RN101236990**Media** Public Water Supply**Violation No.** 8

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$100	25-Jun-2007	27-Feb-2008	0.7	\$3	n/a	\$3
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the amount to prepare and begin maintaining a chemical and microbiological monitoring plan for the distribution system, calculated from the date of the record review to the estimated date of compliance.

Avoided Costs**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs**Approx. Cost of Compliance****\$100****TOTAL****\$3**

Compliance History

Customer/Respondent/Owner-Operator: CN600802425 Happy Hill Farm Children's Home, Inc. Classification: AVERAGE Rating: 3.50

Regulated Entity: RN101236990 Happy Hill Farm Classification: Site Rating:

ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 2130009
WATER LICENSING LICENSE 2130009

Location: 3846 N Highway 144, Somervell County, Tx,

TCEQ Region: REGION 04 - DFW METROPLEX

Date Compliance History Prepared: August 08, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: August 08, 2002 to August 08, 2007

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Tel Croston Phone: 239-5717

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
N/A
- B. Any criminal convictions of the state of Texas and the federal government.
N/A
- C. Chronic excessive emissions events.
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
- | | | |
|---|------------|----------|
| 1 | 08/25/2003 | (148942) |
| 2 | 11/15/2006 | (517732) |
| 3 | 07/03/2007 | (565528) |
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
- | | | | |
|---|------------------|---|-----------------------|
| 1 | Date: 08/16/2003 | (148942) | |
| | Self Report? | NO | Classification: Minor |
| | Citation: | 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iv) | |
| | Description: | Failure to provide flushing records. | |
| | Self Report? | NO | Classification: Minor |
| | Citation: | 30 TAC Chapter 290, SubChapter D 290.42(k) | |
| | Description: | Failure to compile plant operations manual. | |
| 2 | Date: 11/14/2006 | (517732) | |
| | Self Report? | NO | Classification: Minor |
| | Citation: | 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iv) | |
| | Description: | Failure to provide flushing records. | |
| | Self Report? | NO | Classification: Minor |
| | Citation: | 30 TAC Chapter 290, SubChapter D 290.42(k) | |
| | Description: | Failure to compile plant operations manual. | |
| | Self Report? | NO | Classification: Minor |
| | Citation: | 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F) | |
| | Description: | Failure to make available sanitary control easements for well #1 (G2130009C), #2 (G2130009D), and #3 (G2130009E) at the time of inspection. | |
| | Self Report? | NO | Classification: Minor |

Citation:	30 TAC Chapter 290, SubChapter D 290.41(c)(3)(P)		
Description:	Failure to provide an all-weather access road to well site #2 (G2130009D).		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.41(c)(3)(N)		
Description:	Failure to install a flow meter on each well pump discharge line to provide water usage records and to assist in more efficient system operation.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.43(c)(4)		
Description:	Failure to repair or replace the water level indicator on the ground storage tank, in order to easily determine the amount of water in storage at any time.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)(3)(E)(I)		
Description:	Failure to maintain records per this agency's rules and regulations, which require that the following records be retained for at least ten years: copies of Monthly Operating Reports and any supporting documentation including turbidity monitoring results of the combined filter effluent.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(u)		
Description:	Failure to plug an abandoned public water supply well owned by the system, with cement according to 16 TAC Chapter 76 (relating to Water Well Drillers and Water Well Pump Installers).		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.46(d)(2)(A)		
Description:	Failure to maintain chlorine residual at least 0.2 mg/L throughout the distribution.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 290, SubChapter F 290.121[G]		
Description:	Failure to provide an adequate monitoring plan.		

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
HAPPY HILL FARM CHILDREN'S
HOME, INC.
RN101236990**

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§

**BEFORE THE

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2007-1247-PWS-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Happy Hill Farm Children's Home, Inc. ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a public water supply at 3846 North Highway 144 in Somervell County, Texas (the "Facility") that has approximately 42 service connections and serves at least 25 people per day for at least 60 days per year.
2. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
3. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about July 7, 2007.
4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
5. An administrative penalty in the amount of One Thousand Five Hundred Twenty Dollars (\$1,520) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid One Thousand Two Hundred Sixteen Dollars (\$1,216) of the administrative penalty and Three Hundred Four Dollars (\$304) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The

deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

6. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
7. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
8. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
9. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
10. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have:

1. Failed to keep on file and make available for Commission review all water system operating records, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(3)(A) and § 290.46(f)(3)(E)(iv), as documented during a record review conducted on June 25, 2007.
2. Failed to provide a sanitary control easement that covers land within 150 feet of Well Nos. 1, 2 and 3, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(1)(F), as documented during a record review conducted on June 25, 2007.
3. Failed to provide an all-weather access road to the well site, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(P) as documented during a record review conducted on June 25, 2007.
4. Failed to provide flow measuring devices to measure production yields and provide for the accumulation of water production data, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(N) as documented during a record review conducted on June 25, 2007.
5. Failed to provide a liquid level indicator on the ground storage tank, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(4), as documented during a record review conducted on June 25, 2007.
6. Failed to plug and seal an abandoned public water supply well or to return the well to a non-deteriorated condition. Specifically, at the time of the investigation it was documented that an abandoned well was next to Well No. 3, in violation of 30 TEX. ADMIN. CODE § 290.46(u), as documented during a record review conducted on June 25, 2007.

7. Failed to operate the disinfection equipment to maintain a free chlorine residual of at least 0.2 milligrams per liter ("mg/L") throughout the distribution system at all times, in violation of 30 TEX. ADMIN. CODE § 290.46(d)(2)(A) and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during a record review conducted on June 25, 2007.
8. Failed to maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the public water system will use to comply with the monitoring requirements, in violation of 30 TEX. ADMIN. CODE § 290.121(a) and (b), as documented during a record review conducted on June 25, 2007.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 5 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Happy Hill Farm Children's Home, Inc. Docket No. 2007-1247-PWS-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Immediately upon the effective date of this Agreed Order:
 - i. Begin operating the water system's chlorination facilities to maintain a free chlorine residual of at least 0.2 mg/L throughout the distribution system, as required by 30 TEX. ADMIN. CODE § 290.46; and
 - ii. Develop and maintain an up-to-date chemical and microbiological monitoring plan, as required by 30 TEX. ADMIN. CODE § 290.121.
 - b. Within 20 days after the effective date of this Agreed Order, submit written certification as detailed in Ordering Provision No. 2.h. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions Nos. 2.a.i. and 2. a.ii.

- c. Within 30 days after the effective date of this Agreed Order, begin compiling and maintaining properly completed monthly water works reports and maintenance records, as required by 30 TEX. ADMIN. CODE § 290.46.
- d. Within 45 days after the effective date of this Agreed Order, submit written certification as detailed in Ordering Provision No. 2.h. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.c.
- e. Within 60 days after the effective date of this Agreed Order:
 - i. Provide the 27,000 gallon ground storage tank with an operable water level indicator, as required by 30 TEX. ADMIN. CODE § 290.43; and
 - ii. Provide an operable flow measuring device on the well discharge line for each well, as required by 30 TEX. ADMIN. CODE § 290.41.
- f. Within 75 days after the effective date of this Agreed Order, submit written certification as detailed in Ordering Provisions No. 2.h, below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.e.
- g. Within 90 days after the effective date of this Agreed Order:
 - i. Obtain a sanitary control easement that covers the land within 150 feet of Well Nos. 1, 2 and 3, as required by 30 TEX. ADMIN. CODE § 290.41;
 - ii. Plug the abandoned well adjacent to Well No. 3 with cement, in accordance with 16 TEX. ADMIN. CODE ch. 76, as required by 30 TEX. ADMIN. CODE § 290.46; and
 - iii. Provide an all weather access road to Well No. 2, as required by 30 TEX. ADMIN. CODE § 290.41.
- h. Within 105 days after the effective date of this Agreed Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.g. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

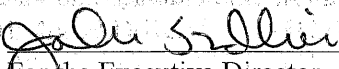
Mr. Sid Slocum, Water Section, Manager
Dallas/Fort Worth Regional Office
Texas Commission on Environmental Quality
2301 Gravel Drive
Fort Worth, Texas 76118-6951

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
6. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
7. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director

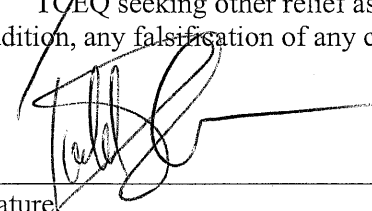
3/12/2008
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.


Signature

6-12-08
Date

Todd Shipman
Name (Printed or typed)
Authorized Representative of
Happy Hill Farm Children's Home, Inc.

President CCHO
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

